

BEFORE THE  
**Federal Communications Commission**

WASHINGTON, D.C. 20554

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Federal Communications Commission  
Office of the Secretary

In the Matter of )

Advanced Television Systems )  
Their Impact Upon the Existing )  
Television Broadcast Service )

MM Docket No. 87-268

TO: The Commission

**LMCC COMMENTS**  
**IN RESPONSE TO FURTHER NOTICE OF PROPOSED RULEMAKING**

**Preliminary Statement**

1. The Land Mobile Communications Council ("LMCC") is a non-profit association of organizations representing users of land mobile radio and providers of land mobile services and equipment. LMCC is dedicated to securing and maintaining sufficient allocations of radio frequencies for the land mobile radio services in order to meet the immediate and long-term requirements of all land mobile radio users. In this capacity, LMCC acts on behalf of the vast majority of public safety, business, industrial, land transportation, private, common carrier, and land mobile radio users, as well as a diversity of land mobile service providers and equipment manufacturers.<sup>1/</sup>

<sup>1/</sup> LMCC's membership includes:

American Association of State Highway  
and Transportation Officials  
American Automobile Association

(continued...)

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2. In its Reply Comments to the Notice of Proposed Rulemaking in this proceeding, LMCC focused on two major issues: that the General Docket 85-172 Notice of Proposed Rulemaking should remain open, and should not be terminated as recommended in the Joint Broadcasters Comments; and that the provisions of Docket 18291, which have for years permitted land mobile sharing of unused UHF television channels, have been very successful and must be continued.<sup>2/</sup> These two LMCC views were predicated upon the intensive use made by the land mobile community of its current spectrum,

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<sup>1/</sup>(...continued)

American Mobile Telecommunications Association  
American Petroleum Institute  
American Trucking Associations, Inc.  
Association of American Railroads  
Associated Public Safety Communications  
Officers, Inc.  
Cellular Telecommunications Industry Association  
Forest Industries Telecommunications  
Forestry-Conservation Communications Association  
International Association of Fire Chiefs  
International Association of Fish and  
Wildlife Agencies  
International Municipal Signal Association  
International Taxicab and Livery Association  
Manufacturers Radio Frequency Advisory Committee  
National Association of Business and Educational  
Radio, Inc.  
National Association of State Foresters  
Special Industrial Radio Service Association, Inc.  
Telecommunications Industry Association  
Telocator  
Utilities Telecommunications Council

<sup>2/</sup> See, paragraphs 3-5 of LMCC Reply Comments.

and its continuing need for additional spectrum to meet its ongoing communications requirements.

3. LMCC is pleased to note that the Commission supported the land mobile interests by refusing to close General Docket 85-172.<sup>3/</sup> This provides flexibility for future appropriate spectrum action to best serve the public interest.

4. In addition to the above-mentioned Commission action, however, LMCC believes that it may be useful to further extend the flexibility applied to the use of any future unused television spectrum; it thus offers the following Comments.

**Spectrum Must Be Effectively and Expeditiously Used**

5. The Commission clearly recognizes the importance of timely and effective use of spectrum. For example, it stated in the instant proceeding:

"...It enables us to award existing  
broadcasters an additional 6 MHz 'conversion

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<sup>3/</sup> See, ¶ 48 of MM Docket No. 87-268, Second Report and Order/Further Notice of Proposed Rulemaking.

channel' on an interim basis..."<sup>4/</sup> (Emphasis added.)

and;

"ATV represents a major advance in television technology, not the start of a new and separate video service..."<sup>5/</sup> (Emphasis added.)

Further statements it made were:

"...We underscore, however, that the spectrum to be used for the transition to ATV has significant value for other services and benefits and that any delay in reclaiming the reversion spectrum carries potential costs to the public..."<sup>6/</sup>

and;

"...We intend to reclaim the reversion channel as soon as possible..."<sup>7/</sup>

6. These Commission perspectives are "on target." It would be useful, however, to "fine-tune" the proposed timeframes for ATV implementation to further enhance the opportunity for achievement of Commission goals.

7. Specifically, the 5-year period to apply and construct, and the 15-year timeframe for conversion to ATV

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<sup>4/</sup> Ibid, ¶ 7.

<sup>5/</sup> Ibid, ¶ 5.

<sup>6/</sup> Ibid, Footnote 158.

<sup>7/</sup> Ibid, ¶ 59.

should both be modified to reflect the opportunity for earlier alternative use. In the case of the proposed 5-year period (which consists of 2 years for an eligible party to apply for an ATV license and 3 years in which to construct) the Commission should indicate that if either timeframe is not met, the associated ATV channel will then be available for alternative use, to include use by the land mobile services. This will assure that, in the relatively near-term, spectrum is not wasted. Rather, it could be put to use immediately to serve the public one way or the other.

8. With regard to the 15-year timeframe for completion of conversion to ATV, LMCC notes that this is an inordinate amount of time to "tie-up" spectrum unless it is absolutely necessary. The Commission could ameliorate this situation by making available, immediately and without regard to the proposed 15-year timeframe, any NTSC channel no longer in operation because a given licensee has completed the transition to ATV. Then, in those markets where ATV developed quickly, spectrum could be freed-up for alternative use, perhaps considerably before the end of the 15-year timeframe.

9. Therefore, LMCC recommends that the Commission adopt the above-stated minor modifications to the ATV

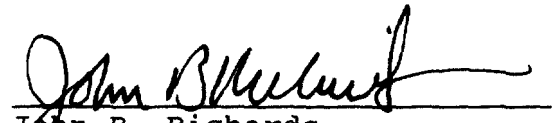
timetable, thus permitting, on a case-by-case basis, timely availability of unused spectrum for alternative use. This could especially facilitate spectrum availability in large cities, where land mobile needs are greatest and where ATV might mature more rapidly. Furthermore, this approach need not disadvantage serious television licensees in their efforts to implement ATV.

10. WHEREFORE, THE PREMISES CONSIDERED, the Land Mobile Communications Council respectfully requests the Federal Communications Commission to act in a manner fully consistent with the foregoing statement.

Respectfully submitted,

LAND MOBILE COMMUNICATIONS  
COUNCIL

By:

  
John B. Richards  
General Counsel

Keller and Heckman  
1001 G Street, N.W.  
Suite 500 West  
Washington, D.C. 20001  
(202) 434-4210

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